

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: DA VINCI SURGICAL)
ROBOT ANTITRUST LITIGATION) Case No.:
-----) 3:21-cv-03825-VC
THIS DOCUMENT RELATES TO:)
ALL CASES) Pages 1 to 70
-----)
SURGICAL INSTRUMENT SERVICE)
COMPANY, INC.,)
)
)
Plaintiff,)
)
)
vs.)
)
)
INTUITIVE SURGICAL, INC.,)
)
)
Defendant.)
-----)

*** CONFIDENTIAL ATTORNEYS EYES ONLY ***

30(b)(6) DEPOSITION OF:

COLIN MORALES

WEDNESDAY, NOVEMBER 9, 2022

4:02 p.m.

REPORTED BY:
Vickie Blair
CSR No. 8940, RPR-CRR
JOB NO. 5507318
PAGES 1 - 70

1 Deposition of COLIN MORALES, the witness, taken on
2 behalf of the Proposed Class, on Wednesday,
3 November 9, 2022, 4:02 p.m., before VICKIE BLAIR,
4 CSR No. 8940, RPR-CRR.

5 APPEARANCES OF COUNSEL VIA ZOOM:

6 FOR PLAINTIFF/COUNTER-DEFENDANT SURGICAL INSTRUMENT
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23 ALSO PRESENT:

24 WILL DAVIS, Videographer

25 CHRIS McWILLIAMS, Videographer

I N D E X

WITNESS	EXAMINATION	PAGE
COLIN MORALES		
	(MR. VAN HOVEN)	7
	(MS. ETHERIDGE)	61

INFORMATION REQUESTED

None

QUESTIONS INSTRUCTED BY COUNSEL NOT TO ANSWER

None

E X H I B I T S

EXHIBIT NO.	PAGE	DESCRIPTION
Exhibit 135	7	Plaintiffs' Notice of Remote Rule 30(b)(6) Deposition of Defendant Intuitive Surgical, Inc.
Exhibit 136	11	PowerPoint deck, Bates numbers Intuitive-00147379 through Intuitive-00147412
Exhibit 137	27	Email chain, Bates number Intuitive-00983157

E X H I B I T S (Continued)

EXHIBIT NO.	PAGE	DESCRIPTION
Exhibit 138	30	Email chain, Bates numbers Intuitive-01068046 through Intuitive-01068051
Exhibit 139	35	Email chain, Bates numbers Intuitive-00603990 and Intuitive-00603991
Exhibit 140	39	Electronic File Exhibit Placeholder, File Name: Tab L2 - Intuitive-00603992.xlsx
Exhibit 141	40	Various spreadsheets and charts
Exhibit 142	47	Email, Bates number Intuitive-00626596
Exhibit 143	49	Gen4 Instrument Refurbishment Pilot, Bates numbers Intuitive-00626597 and Intuitive-00626616

1 instrument.

2 BY MR. VAN HOVEN:

3 Q Got it.

4 And I think let's -- I just want to unpack
5 a couple things there.

6 When you're doing a comparison of the
7 COGS, that's C-o-g-s or cost of goods sold; is that
8 right?

9 A Yes.

10 Q When you're talking about a comparison of
11 the COGS, you're comparing the new build COGS and the
12 total COGS refurb?

13 A That's --

14 MR. LANNIN: Objection.

15 THE WITNESS: Sorry.

16 BY MR. VAN HOVEN:

17 Q Is that correct?

18 MR. LANNIN: Same objection.

19 You can answer.

20 THE WITNESS: Yes, I'm comparing the two
21 there.

22 BY MR. VAN HOVEN:

23 Q And the new build COGS is essentially the
24 cost of goods sold for a brand new manufactured
25 instrument?

1 MR. LANNIN: Object to the form.

2 THE WITNESS: Well, it looks like -- I'm
3 sorry, ask that question again.

4 BY MR. VAN HOVEN:

5 Q And the new build COGS is essentially the
6 cost of goods sold for a brand new manufactured
7 instrument?

8 MR. LANNIN: Object to the form.

9 THE WITNESS: Yes.

10 BY MR. VAN HOVEN:

11 Q Whereas the total COGS refurb, including
12 disposal is the cost of goods sold for an instrument
13 that's been retrieved and refurbished?

14 MR. LANNIN: Object to the form.

15 THE WITNESS: Yes.

16 BY MR. VAN HOVEN:

17 Q And I note that there's a "Refurbishment
18 Yield" row.

19 Do you have an understanding what that is?

20 A Yes.

21 Basically not every instrument that comes
22 back would necessarily be able to be refurbished,
23 depending on the condition, how many sterilization
24 cycles it went through, et cetera, so there's a lot of
25 things that could effect.